

David Abrams, Attorney at Law
305 Broadway Suite 601
New York, NY 10007
Tel. 212-897-5821 dnabrams@gmail.com

United States District Court
Eastern District of New York

Plaintiff, complaining of the Defendant by her attorney, David Abrams, Attorney at Law, respectfully set forth and allege as follows:

I. Introduction

1. This is an action for unpaid wages and overtime under the Fair Labor Standards Act; tithe New York Minimum Wage Act and New York Labor Law.

II. Parties

2. Plaintiff is a natural person.
 3. Defendant Cobble Hill Health Center, Inc. is a New York not-for-profit corporation with a principle place of business in the State of New York, County of Kings.

III. Venue and Jurisdiction

4. The Court has subject matter jurisdiction over this matter in that Plaintiff asserts
claim under federal law -- a claim under the Fair Labor Standards Act -- and the
remaining claims are part of the same case or controversy.

5. The Court has personal jurisdiction over the Defendants in that this matter arises from the Defendants' employment of the Plaintiff at their facility which is located in Brooklyn, New York.

6. Venue is appropriate in that the Defendant resides in Brooklyn, New York.

IV. Background

7. At all times relevant to this complaint, the Employer operated a nursing home.

8. Plaintiff was employed by the Employer as an LPN for approximately 9 years until her employment ended in June of 2016.

9. Plaintiff's core schedule was 5 days a week from 3pm to 11pm. She normally worked through lunch and worked past 11pm so that she normally worked in excess of 40 hours per week.

10. However, for such a typical week, Plaintiff would be paid for less than 40 hours.

V. Causes of Action and Demand for Relief

Count One: Violation of New York Wage & Hour Law

11. The allegations contained in the preceding paragraphs are incorporated as if restated herein.

12. Plaintiff was an employee of the Employer within the meaning of the New York Minimum Wage Act and accompanying regulations.

13. The Employer was an employer within the meaning of those same regulations.

14. The Defendants violated the above law and regulations in that they did not properly compensate Plaintiff for the hours and overtime hours he worked.

Count Two: Violation of the Fair Labor Standards Act

15. The allegations contained in the preceding paragraphs are incorporated as if restated herein.

16. At all times relevant to this Complaint, the Employer was covered by the Fair Labor Standards Act in that it is an institution primarily engaged in care of the aged within the meaning of the same Act in that they acted in the interest of the Employer.

17. The Employer violated the Fair Labor Standards Act in that it did not properly compensate Plaintiff for the hours and overtime hours he worked.

WHEREFORE Plaintiff demand judgment against the Defendants in the amount of her unpaid back wages, overtime and liquidated damages, in an amount not more than \$100,000.00 which includes attorneys fees and costs, and such other and further relief that the Court deems just.

Respectfully submitted,



David Abrams
Attorney for Plaintiff
305 Broadway Suite 601
New York, NY 10007
Tel. 212-897-5821
Fax 212-897-5811

Dated: January 24, 2017
New York, New York